

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



IN THE MATTER OF THE SEARCH OF
PECO FOODS
15252 MS-21
WALNUT GROVE, MS 39189

Case No. 3:19-mj-210 LRA

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ADMINISTRATIVE SEARCH WARRANT**

I, Anthony Todd Williams Jr., being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for an administrative search warrant to search the following premises and seize the items listed in Attachment B:
 - a. The business is located at 15252 MS-21, Walnut Grove, Mississippi 39189, and its curtilage and outbuildings, appurtenances, and attached and detached garages and vehicles and trailers located on such curtilage, including any and all parking lots and persons inside vehicles; more particularly described in Attachment A.
2. This affidavit is submitted in support of an application, pursuant to Title 8, United States Code, Section 1357, for a warrant to search the premises of PECO FOODS (15252 MS-21, Walnut Grove, Mississippi 39189) for undocumented illegal aliens.
3. I am a Special Agent with Homeland Security Investigations (“HSI”), within United States Immigration and Customs Enforcement (“ICE”). I am assigned to the Office of the Resident Agent in Charge, Jackson, Mississippi. I have been trained specifically in the investigation and elements of federal crimes at the Federal Law Enforcement Training Center at Glynco, Georgia. I hold Bachelors of Art and Masters of Science degrees in Criminal Justice

from the University of Southern Mississippi. I am also a graduate of the United States Border Patrol Academy at the Federal Law Enforcement Training Center in Artesia, New Mexico. I have approximately 10 years of experience as a federal law enforcement officer and criminal investigator.

4. My experience as a federal law enforcement officer and criminal investigator includes the investigation and prosecution of violations of criminal laws relating to unlawful entry, employment, and physical presence in the United States of individuals subject to the Immigration and Nationality Act. My current duties include conducting criminal investigations of violations of Federal Statutes and administrative violations of the Immigration and Nationality Act and Title 8 of the United States Code.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. This affidavit is based on my knowledge arising from my participation in this investigation; upon information provided to me by other HSI agents, law enforcement officers and government officials jointly participating in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a search warrant, it does not contain every fact known to me or other agents of HSI.

6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that undocumented illegal aliens are present at PECO FOODS. There is also probable cause to search the premises described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B.

ADMINISTRATIVE PROBABLE CAUSE

7. Open source queries for PECO FOODS revealed website

<http://www.pecofoods.com>. According to the website's homepage, PECO FOODS is a fully integrated poultry processing and packaging company with a corporate office located in Tuscaloosa, Alabama, and processing plants throughout Mississippi, Alabama, and Arkansas. According to the website's About Us page, PECO FOODS is the eighth largest poultry producer in the United States producing 24 million pounds of poultry per week, and is privately held and family managed. The website's "About Us" page lists processing plants in the below locations:

Bay Springs, Mississippi

Sebastopol, Mississippi

Colton, Mississippi

The website's "About Us" page lists live operations offices in the below locations:

Bay Springs, Mississippi

Sebastopol, Mississippi

8. The website's "About Us" page lists feed mills in the below locations:

Bay Springs, Mississippi

9. The website's "About Us" page lists hatcheries in the below locations:

Sebastopol, Mississippi

HISTORICAL ICE ENCOUNTERS/ARRESTS

10. Queries of the Enforcement Integrated Database Arrest Graphic User Interface for Law Enforcement (EAGLE) revealed approximately 222 historical ICE encounters and/or arrests (from November 18, 2002 to June 13, 2019) of illegal aliens who during processing indicated employment at PECO FOODS. In addition to indicating employment at PECO FOODS,

numerous of the illegal aliens presented agents with PECO FOODS employment identification documents (IDs), containing their photographs and assumed identities utilized for employment.

11. On July 02, 2014, Esequiel Matias-Diego, a Guatemalan national, was encountered by the Jackson, Mississippi, ICE Enforcement and Removal Operations (ERO) office during a Field Operations Worksheet (FOW) at Peco Foods, 15252 MS- 21, Walnut Grove, Mississippi 39189. ERO received information that Matias-Diego was working at PECO FOODS in Sebastopol, and requested assistance from the Human Resource manager to locate Matias-Diego. According to ICE records, Matias-Diego was identified as a PECO employee using the name Jose Rivera. Matias-Diego was summoned to the manager's office, and was identified by photograph by ICE officers. Matias-Diego initially stated that his name was Jose Rivera and that he was a citizen and national of Mexico. Further questioning revealed his true name and citizenship to be that of Esequiel Matias-Diego and a Guatemalan citizen. It was determined that Matias-Diego did not possess legal documents to work or reside in the United States. Matias-Diego was administratively arrested by ERO Jackson and transported for processing. During processing Matias-Diego presented a PECO FOODS ID card. The front face of the PECO FOODS ID card contained the below identifiers:

A photograph appearing to be Esequiel Matias-Diego

The name Jose Rivera

“Peco Foods, Inc.”

The back of the PECO FOODS ID card contained the below identifiers:

“This card is the property of PECO.”

“If you are going to be absent or late, please telephone your Supervisor or Personnel immediately at 601-625-7432 or 1-800-748-0687.”

“If found please drop in any U.S. Mailbox

Return Postage Guaranteed

Peco Foods, Inc.

P.O. Box 319

Sebastopol, MS 39359”

12. Open source queries for phone number 601-625-7432 revealed website www.pecofoods.com/contacts.php. The PECO FOODS webpage listed contact information for all their locations including:

“Peco Foods, Inc. – Sebastopol Processing Plant

Highway 21 South

P.O. Box 319

Sebastopol, MS 39359

Phone: (601) 625-7432”

13. On August 10, 2015, Jose De Jesus-Hernandez, a Guatemalan national, was encountered by the Jackson, Mississippi, ICE ERO office during Criminal Alien Program (CAP) checks at the Leake County Detention Center in Carthage, Mississippi. According to ICE records, De Jesus-Hernandez was identified as being a citizen of Guatemala and did not possess legal documents to work or reside in the United States. De Jesus-Hernandez was administratively arrested by ERO Jackson. ICE records listed the “Name and Address of (Last)(Current) United States Employer” as “PECO FOODS Sebastopol, MS.” During processing De Jesus-Hernandez presented a PECO FOODS ID card. The front face of the PECO FOODS ID card contained the below identifiers:

A photograph appearing to be Jose De Jesus-Hernandez

The name Alex Chavez

“Peco Foods, Inc.”

The back of the Peco Foods ID card contained the below identifiers:

“This card is the property of PECO.”

“If you are going to be absent or late, please telephone your Supervisor or Personnel immediately at 601-625-7432 or 1-800-748-0687.”

“If found please drop in any U.S. Mailbox

Return Postage Guaranteed

Peco Foods, Inc.

P.O. Box 319

Sebastopol, MS 39359”

14. On November 29, 2016, Andres Marquirez-Lucas, a Guatemalan national, was encountered by the Jackson, Mississippi, ICE ERO office during an FOW in Forest, Mississippi. According to ICE records, Marquirez-Lucas was identified as being a citizen of Guatemala and did not possess legal documents to work or reside in the United States. Marquirez-Lucas was administratively arrested by ERO Jackson and transported for processing. ICE records listed the “Name and Address of (Last)(Current) United States Employer” as “PECO FOODS.” During processing Marquirez-Lucas presented a PECO FOODS ID card. The front face of the PECO FOODS ID card contained the below identifiers:

A photograph appearing to be Andres Marquirez-Lucas

The name James Pasillas

“Peco Foods, Inc.

Sebastopol Division”

The back of the PECO FOODS ID card contained the below identifiers:

“This card is the property of PECO.”

“If you are going to be absent or late, please telephone your Supervisor or Personnel immediately at 601-625-7432 or 1-800-748-0687.”

“If found please drop in any U.S. Mailbox.

Return Postage Guaranteed:

Peco Foods of Mississippi, Inc.

P.O. Box 319

Sebastopol, MS 39359”

ALTERNATIVES TO DETENTION

15. ICE routinely utilizes the Alternatives to Detention (ATD) Program for subjects in ICE custody. The Alternatives to Detention Program is a flight-mitigation tool that uses technology and case management to ensure compliance with release conditions and facilitate alien compliance with court hearings and final orders of removal while allowing aliens to remain in their community contributing to their families, community organizations, and, if necessary, wrapping-up their affairs in the United States as they move through immigration proceedings. The ATD Program is not a substitute for detention nor is it used as a removal tool; however, the program may be appropriate for an alien who is released pursuant to: an Order of Release on Recognizance (OREC), an Order of Supervision (OSUP), a grant of parole; or a bond (unless the immigration judge or board of immigration appeals has determined custody and did not include ATD as a provision). To be eligible for the ATD program participants must be adults 18 years of age or older, be removable, and be at some stage of immigration proceedings. The ATD Program supervises participants, with contractor support, utilizing a combination of home visits, office visits, alert response, court tracking, and technology. The current government contractor (BI Inc.) for ATD operates under the Intensive Supervision Appearance Program (ISAP). The contract known as the ISAP III allows ATD officers the ability to determine the frequency of home and office visits, types of technology, telephonic, GPS or SmartLink, court and alert management. Case management levels and technology assignment can be reviewed and adjusted by the ATD officer at any time depending upon change in circumstances and compliance.

16. The ATD Program utilizes three (3) different forms of technology that help monitor participants while enrolled in the program. The forms of technology include:

- a. Telephonic reporting utilizes a participant's voice to create a biometric voiceprint during the enrollment process, every time the participant calls in his/her voice is compared against the voiceprint.
- b. GPS monitoring requires at least three (3) satellites to locate a unit attached to the participant's ankle. When a participant is within range of more than three satellites a GPS unit give more accurate data regarding the participant's location.
- c. SmartLink enables ATD officers and case specialists to keep participants focused on the conditions of release via their smartphone or tablet, they are able to verify a participant's identity, determine their location, and quickly collect status change information.

17. Enrollment in the ATD program does not grant any immigration benefits including employment authorization.

ILLEGAL ALIENS ENROLLED IN ATD & EMPLOYED BY PECO FOODS

18. Queries of the subjects enrolled in the ICE ERO Jackson ATD program revealed 21 illegal aliens worked at PECO FOODS processing plants in Mississippi. Of the 21 identified illegal aliens currently working at PECO FOODS processing plants in Mississippi, as of July 29, 2019, two illegal aliens worked at the PECO FOODS processing plant in Sebastopol, Mississippi (15252 MS-21, Walnut Grove, Mississippi 39189.)

19. Below are examples of subjects enrolled in the ICE/ERO Jackson ATD program who have reported working for PECO FOODS and the analysis of historical GPS coordinates for the subjects:

20. On March 27, 2018, Katarina Pablo-Pablo, a Guatemalan national, was encountered by United States Customs and Border Protection (CBP) officers at the Paso Del Norte International Bridge in El Paso, Texas. At the time of the encounter, CBP officers determined Pablo-Pablo did not possess legal documents to work or reside in the United States. Pablo-Pablo was administratively arrested, processed as a Notice to Appear, and turned over to ICE for custody determination. Pablo-Pablo provided ICE with an address of 452 North Broad Street, Forest, Mississippi, was enrolled in the ICE ERO ATD program, and placed on GPS monitoring pending removal from the United States.

21. Queries of the historical GPS coordinates associated with Katarina Pablo-Pablo's electronic monitoring ankle bracelet revealed numerous daily captured coordinates located within the PECO FOODS Sebastopol Processing Plant. Historical GPS coordinates also revealed Pablo-Pablo travels from Forest, Mississippi, to the PECO FOODS Sebastopol Processing Plant multiple times a week. Upon arriving at the PECO FOODS Sebastopol Processing Plant, Pablo-Pablo remains on the PECO FOODS Sebastopol Processing Plant property for approximately 8 to 10 hours. For example, on April 10, 2019, at approximately 1:10 pm Pablo-Pablo left her residence and began travelling to the PECO FOODS Sebastopol Processing Plant. Pablo-Pablo arrived at the PECO FOODS Sebastopol Processing Plant at approximately 1:27 pm. Pablo-Pablo remained at the PECO FOODS Sebastopol Processing Plant until approximately 12:27 am on April 11, 2019, when she departed and returned to her residence.

22. Record checks for Katarina Pablo-Pablo revealed she does not have employment authorization from the United States Department of Homeland Security.

23. On July 12, 2018, Maria Silvestre-Mendoza, a Guatemalan national, was encountered by USBP agents near Yuma, Arizona. At the time of the encounter, USBP agents

determined Silvestre-Mendoza did not possess legal documents to work or reside in the United States. Silvestre-Mendoza was administratively arrested, processed as a Notice to Appear, and turned over to ICE for custody determination. Silvestre-Mendoza provided ICE with an address of 300 North Banks Street, Forest, Mississippi, was enrolled in the ICE ERO ATD program, and placed on GPS monitoring pending removal from the United States.

24. Queries of the historical GPS coordinates associated with Maria Silvestre-Mendoza's electronic monitoring ankle bracelet revealed numerous daily captured coordinates located within the PECO FOODS Sebastopol Processing Plant. Historical GPS coordinates also revealed Silvestre-Mendoza travels from Forest, Mississippi, to the PECO FOODS Sebastopol Processing Plant multiple times a week. Upon arriving at the PECO FOODS Sebastopol Processing Plant, Silvestre-Mendoza remains on the PECO FOODS Sebastopol Processing Plant property for approximately 8 to 10 hours. For example, on April 11, 2019, at approximately 1:40 pm Silvestre-Mendoza left her residence and began travelling to the PECO FOODS Sebastopol Processing Plant. Silvestre-Mendoza arrived at the PECO FOODS Sebastopol Processing Plant at approximately 4:03 pm. Silvestre-Mendoza remained at the PECO FOODS Sebastopol Processing Plant until approximately 12:50 pm on April 12, 2019, when she departed and returned to her residence.

25. Record checks for Maria Silvestre-Mendoza revealed she does not have employment authorization from the United States Department of Homeland Security.

26. On July 24, 2015, Florencia ALONSO-Alonso, a Guatemalan national, was encountered by United States Customs and Border Protection (CBP) officers at the Douglas, Arizona Port of Entry. At the time of the encounter, CBP officers determined ALONSO-Alonso did not possess legal documents to work or reside in the United States. ALONSO-Alonso was

administratively arrested, processed for an Expedited Removal, and turned over to ICE for custody determination. ALONSO-Alonso provided ICE with an address of 624 N Banks St., Forest, Mississippi, was enrolled in the ICE ERO ATD program, and placed on GPS monitoring pending removal from the United States.

27. Queries of the historical GPS coordinates associated with Florencia Alonso-Alonso's electronic monitoring ankle bracelet revealed numerous daily captured coordinates located within the PECO FOODS Sebastopol Processing Plant. Historical GPS coordinates also revealed Alonso-Alonso travels from Forest, Mississippi, to the PECO FOODS Sebastopol Processing Plant multiple times a week. Upon arriving at the PECO FOODS Sebastopol Processing Plant, Alonso-Alonso remains on the PECO FOODS Sebastopol Processing Plant property for approximately 8 to 10 hours. For example, on July 25, 2019, at approximately 1:40 pm Alonso-Alonso left her residence and began travelling to the PECO FOODS Sebastopol Processing Plant. Alonso-Alonso arrived at the PECO FOODS Sebastopol Processing Plant at approximately 4:06 pm. Alonso-Alonso remained at the PECO FOODS Sebastopol Processing Plant until approximately 1:13 am on July 26, 2019, when she departed and returned to her residence.

28. Record checks for Florencia Alonso-Alonso revealed she does not have employment authorization from the United States Department of Homeland Security.

29. On September 24, 2018, Nancy Elizabeth LOPEZ-Felix, a Guatemalan national, was encountered by United States Border Patrol Agents (BPA) in the Rio Grande Valley, Texas Border Patrol Sector. At the time of the encounter, BPA determined LOPEZ-Felix did not possess legal documents to work or reside in the United States. LOPEZ-Felix was administratively arrested, issued a Notice to Appear, and turned over to ICE for custody

determination. LOPEZ-Felix provided ICE with an address of 1045 Prospect Ave., Windom, Minnesota, was enrolled in the ICE ERO ATD program, and placed on GPS monitoring pending removal from the United States.

30. Queries of the historical GPS coordinates associated with LOPEZ-Felix' electronic monitoring ankle bracelet revealed numerous daily captured coordinates located within the PECO FOODS Sebastopol Processing Plant. Historical GPS coordinates also revealed LOPEZ-Felix travels from Forest, Mississippi, to the PECO FOODS Sebastopol Processing Plant multiple times a week. Upon arriving at the PECO FOODS Sebastopol Processing Plant, LOPEZ-Felix remains on the PECO FOODS Sebastopol Processing Plant property for approximately 8 to 10 hours. For example, on July 25, 2019, at approximately 1:34 pm LOPEZ-Felix left her current residence (530 Old Morton Rd., Lot 2, Forest, Mississippi 39074) and began travelling to the PECO FOODS Sebastopol Processing Plant. LOPEZ-Felix arrived at the PECO FOODS Sebastopol Processing Plant at approximately 1:58 pm. Alonso-Alonso remained at the PECO FOODS Sebastopol Processing Plant until approximately 1:16 am on July 26, 2019, when she departed and returned to her residence.

31. Record checks for Nancy Elizabeth LOPEZ-Felix revealed she does not have employment authorization from the United States Department of Homeland Security.

INTERVIEW OF ATD ENROLLEE WORKING AT PECO FOODS

32. On May 6, 2019 HSI SA Todd Williams, SA Brent Young, and ERO Deportation Officer (DO) Francisco J. Ayala conducted an interview of Ana ALONZO-Alonzo at the HSI Jackson, Mississippi office. During the interview ALONZO-Alonzo provided information related to her employment at the PECO FOODS plant located on Hwy 21 South, Sebastopol, MS 39359.

33. Ana ALONZO-Alonzo is a citizen and national of Guatemala who is currently illegally present in the United States. ALONZO-Alonzo was arrested on July 25, 2015 furthering her illegal entry in to the United States and was released from custody pending removal from the United States. ALONZO-ALONZO is enrolled in the Alternatives to Detention Program and is currently reporting to ERO in Jackson, MS.

34. ALONZO-Alonzo stated that she lives in Forest, MS. She entered the United States illegally in July 2015 and has been working for PECO FOODS in Sebastopol, MS for about 5 months.

35. ALONZO-Alonzo stated that she is working under the assumed identity of Isabel Perez and is currently assigned to work nights. Her unit is responsible for the processing of chicken tenders. HSI agents verified the fraudulent name (assumed identity, Isabel S PEREZ) used by ALONZO-Alonzo and discovered it on the Mississippi Department of Employment Security (MDES), Employer's Quarterly Wage Report, 4th quarter of 2018, for PECO FOODS. The report shows that for the 4th quarter of 2018, Isabel S Perez with the corresponding social security number XXX-XX-6554, was paid a total wage of \$6,710.96 by PECO FOODS (as reported to MDES by PECO FOODS) in the 4th quarter.

36. ALONZO-Alonzo explained to the agents that she bought the assumed identity from an unidentified Black male at a laundromat in Forest, MS. According to her, she was sold a counterfeit identification card with the assumed identity and her photo, and a social security identification card for \$200.00.

ARRESTS OF ILLEGAL ALIENS EMPLOYED BY PECO FOODS

37. On June 13, 2019, at approximately 1:30 pm, Special Agents and Task Force Officers assigned to HSI Jackson established surveillance in the area of PECO FOODS, located in Sebastopol, MS.

38. At approximately 1:30 pm, DO Ayala observed a red and brown Chevrolet Astro van bearing Mississippi license plate LJI720, depart from PECO FOODS in Sebastopol, MS and travel north on Highway 21. SA Young observed the vehicle a short time later at Duett's Convenient Store in Sebastopol. The vehicle departed from Duett's Convenient Store and traveled north on Mississippi Highway 21 before turning north on Mississippi Highway 487. At approximately 4:45 pm, Leake County, Mississippi, Sheriff's Deputy Justin Sims observed the aforementioned vehicle cross the center line of Highway 487 into the southbound lane of oncoming traffic. Deputy Sims then initiated a lawful traffic stop on the vehicle at Mississippi Highway 487 and Purvis Road in Walnut Grove, Mississippi.

39. The driver of the vehicle was identified as Ramiro LOPEZ-LOPEZ (A216 XXX XXX), a native and citizen of Guatemala, along with six (6) female passengers, who were all natives and citizens of Guatemala. HSI Jackson Special Agents and Task Force Officers responded to Deputy Sims location to assist. It was determined that all occupants of the vehicle had unlawfully entered the United States without inspection or admission. All subjects were taken into custody and transported to HSI Jackson and processed for removal.

40. During processing, all subjects initially denied working for PECO FOODS in Sebastopol, but later stated that they did in fact work for PECO FOODS. Maria Marta MATIAS-PEREZ never admitted to working for PECO FOODS and claimed that she worked as a tree planter. Record checks revealed that none of the seven (7) subjects are authorized to lawfully work in the United States.

41. This affidavit is being submitted simultaneously with a criminal warrant for inspection to search at PECO FOODS, INC. – Sebastopol Processing Plant, located at 15252 MS-21, Walnut Grove, Mississippi 39189, for evidence of unlawfully employing illegal aliens.

CONCLUSION

42. Based on the facts and information as stated in this affidavit and my training and experience, I submit that this affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A to seize the items described in Attachment B.

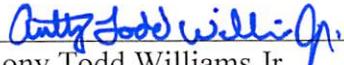
43. Based upon my training and experience, combined with the facts and observations set forth in the foregoing paragraphs, I have reason to believe that undocumented illegal aliens are present at 15252 MS-21, Walnut Grove, Mississippi 39189.

44. In consideration of the facts presented, I respectfully request that this Court issue a search warrant for the premises located at 15252 MS-21, Walnut Grove, Mississippi 39189, and all appurtenances thereto as more fully described in Attachment A and authorize the seizure of the items described in Attachment B to this Affidavit.

REQUEST FOR SEALING

45. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



Anthony Todd Williams Jr.
Special Agent
US Immigration and Customs Enforcement
Homeland Security Investigations

Subscribed and sworn to before me on the 5th day of August, 2019.


LINDA R. ANDERSON
UNITED STATES MAGISTRATE JUDGE